

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM VAN TREESE,) No. C 06-5011MMC (PR)
Plaintiff,) **ORDER OF DISMISSAL**
v.)
HUMBOLDT COUNTY JAIL)
MEDICAL STAFF, SHERIFF GARY)
PHILP, DR. BURLSON, M.D.,)
Defendants.)

On August 21, 2006, plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. On January 5, 2007, the Court dismissed the complaint for failure to state a cognizable claim for relief. Plaintiff was granted leave to file an amended complaint curing the deficiencies in the original complaint within thirty days. The Court cautioned plaintiff that the failure to file an amended complaint within the prescribed time would "result in the dismissal of this action." Petitioner has not filed an amended complaint. Accordingly, the above-titled action is hereby DISMISSED without prejudice. See WMX Technologies v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997) (holding further action by district court necessary where plaintiff fails to amend after dismissal with leave to amend).

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: April 18, 2007


MAXINE M. CHESNEY
United States District Judge